

### **REMARKS**

Applicant presents herein a response to the new grounds for rejection in the office action mailed February 25, 2008, which were inadvertently overlooked in the response mailed May 14, 2008.

#### **Claim Amendments**

The amendments presented herein are to expedite prosecution and not by way of acquiescence to any grounds for rejection. Support for these amendments can be found throughout the specification and in the originally filed claims. Accordingly, these amendments do not introduce new matter.

#### **Rejection under 35 U.S.C. §112, second paragraph**

In the office action dated February 25, 2008, claims 4-6 and 18-20 were rejected under 35 U.S.C. §112, second paragraph. These claims were canceled in the amendment dated May 14, 2008, thus rendering this ground for rejection moot.

#### **Rejection under 35 U.S.C. §102(b) over Polovina**

In the office action dated February 25, 2008, claims 1-7, 9-21, 23-37 were rejected under 35 U.S.C. §102(b) over Polovina, U.S. Patent No. 4,783,342. With the exception of claim 30, these claims were canceled in the amendment dated May 14, 2008 thus rendering this ground for rejection moot.

With regards to claim 30, in the office action dated February 25, 2008, the Examiner credits Polovina with teaching preserving plants (vegetables, fruits or cut flowers) by applying a polymeric film to the surface of the plants that contains latex, a surfactant and an antimicrobial agent. Example 2 discloses dipping cut flowers into the film to preserve them.

As amended herein, claim 30 now discloses another key ingredient in the coating composition – an ethylene inhibitor. The ethylene inhibitor is included to slow ethylene-induced maturation of cut flowers in much the same way that ethylene inhibitors are applied to fruit to

prevent premature spoilage. As described in the specification, this allows the user to “freeze” the appearance of the cut flowers/greenery in their state at the time of application for hours or even days after they are cut (para. [0033].)

Polovina does not teach or disclose the inclusion of an ethylene inhibitor. In fact, Polovina teaches away from such an ingredient, since Polovina’s main focus is the ability to preserve plants for later field planting. Indeed, one of Polovina’s examples is spraying tomato plants for later field planting (Example 2.) This would not be feasible if the tomato plant had been sprayed with an ethylene inhibitor.

Rejection under 35 U.S.C. §103(b) over Polovina in view of Smith

In the office action dated February 25, 2008, claims 8 and 22 were rejected under 35 U.S.C. §103 over Polovina in view of Smith, U.S. Patent No. 6,133,300. These claims were canceled in the amendment dated May 14, 2008, thus rendering this ground for rejection moot. However, it should be noted that neither Polovina nor Smith teach inclusion of an ethylene inhibitor along with the other claimed ingredients (i.e., a surfactant *and* a latex polymer *and* an antimicrobial or antifungal agent) for preserving the appearance of cut plants. It was the combination of these ingredients that produced the unexpected results observed by the Applicant which formed the basis of the presently claimed invention described in the Example on page 12.

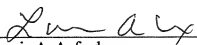
**SUMMARY**

If the Examiner believes that it would facilitate prosecution, Applicant's attorney, Laurie A. Axford, may be contacted at (619) 230-7714, or at [laxford@gordonrees.com](mailto:laxford@gordonrees.com).

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Respectfully submitted,

Dated: 8/19/08

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